

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 87-166

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY

CITY AND COUNTY OF SAN FRANCISCO

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds, pursuant to California Water Code Section 13323, that:

1. The City and County of San Francisco (hereinafter the discharger) operates a wastewater and treatment system serving about 740,000 city residents. The system includes two secondary treatment plants, a wet-weather primary treatment plant, and 14 pump-stations. The collection system consists of combined sewers, which carry both storm and sanitary waste. The excess flows brought on during wet-weather periods is designed to overflow into the Bay or the ocean.
2. The Richmond -Sunset Water Pollution Control Plant provides primary treatment for the west-side of San Francisco. Until recently, dry-weather flows were discharged into the surf-zone through the Mile Rock outfall. Now the discharge is into the ocean through the newly built Southwest Ocean outfall.
3. Wet-weather flows are stored in the collection system or the Westside storage/transport system for later treatment, or overflow into the ocean.
4. Order 81-19 (NPDES CA0038415) gives discharge prohibitions for 8 wet-side wet-weather diversion structures, and directed the discharger to reduce the long-term average of 114 overflows per year down to 8. Cease and Desist Order 84-46 gave an October 1, 1986 deadline for completing the ocean outfall, and for commencing the operation of the dry and wet-weather portions of the minimum Westside core.
5. The outfall and the dry-weather facilities were completed on time, but the activation of the Westside minimum core did not take place until February 15, 1987, and only after urging by this Board.
6. The city violated Cease and Desist Order 84-46, which ordered compliance with the requirements of Order 81-19 with respect to discharge prohibitions against untreated overflows and nuisance from the Vicente, Lincoln Way, and the Mile Rock diversion structures.

7. The City also violated Order 81-19, which prohibited the discharge of untreated waste from the Vicente, Lincoln Way, and Mile Rock diversion structures to waters of the State, with the exception of allowable overflows, those occurring after fully utilizing the storage and pumping capacity of the minimum Westside Core.
8. The Westside activation delay stemmed from delays of the automatic instrumentation & controls systems. The core could have been activated manually, which was done after our urging. The discharger thus failed to fully utilize the storage and pumping capacity of its collection system, increasing the number of combined sewer overflows from 2 to 21. One hundred eleven million additional gallons of combined sewer overflow were discharged, in excess of what would have been discharged if the Westside activation had occurred on time.
9. Twenty-eight coliform violations along Ocean Beach and Land's End occurred. Both areas are extensively used, even in the winter, for contact and non-contact recreation.
10. There was no way for the discharger to clean-up the discharged waste, and the Board therefore did not consider issuing a Cleanup and Abatement Order.
11. On July 29, 1987, Complaint No. 87-096 was issued for Administrative Civil Liability due to the discharger's violation of the above-cited prohibitions in Board Orders No. 84-46 and 81-19.
12. The Executive Officer, in Complaint No. 87-096, proposed that administrative civil liability be imposed by the Regional Board in the amount of \$45,000 pursuant to Section 13350 of the California Water Code for negligently discharging or causing or permitting waste to be deposited where it was discharged to waters of the State. The proposed liability has not been paid, and the right to hearing has not been waived.
13. This action is an order to enforce waste discharge requirements adopted by the Board. It is therefore exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) pursuant to Section 15321 of the Resources Agency Guideline.
14. The Board on September 16, November 18, and December 16, 1987, after due notice to the discharger and other affected persons, conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED, PURSUANT TO WATER CODE SECTION 13323 that the City and County of San Francisco, is civilly liable for this violation and shall pay administrative civil liability in the amount of \$45,000. Payment shall be made within 30 days of the date of this Order to the State Water Pollution Cleanup and Abatement account.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 16, 1987

A handwritten signature in cursive script, appearing to read "Roger B. James", is written over a horizontal line.

ROGER B. JAMES
Executive Officer